

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK BURKET, et al.,
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,
Defendants,

and

Case No. 05-72110
Honorable Patrick J. Duggan

HYMAN LIPPITT, P.C.,
Third-Party Plaintiff,

v.

KEITH MOHN, et al.,
Third-Party Defendants.

JENNIFER ADAMS, et al.,
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,
Defendants,

and

Case No. 05-72171
Honorable Patrick J. Duggan

HYMAN LIPPITT, P.C.,
Counter and Third-Party Plaintiff,

v.

KEITH MOHN, et al.,
Counter and Third-Party Defendants.

WILLIAM CLIFF, et al.,

Plaintiffs,
v.

HYMAN LIPPITT, P.C., et al.,
Defendants,

and

HYMAN LIPPITT, P.C.,
Third-Party Plaintiff,

v.

KEITH MOHN, et al.,
Third-Party Defendants.

Case No. 05-72221
Honorable Patrick J. Duggan

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on January 30, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter is before the Court in three separate, but related lawsuits alleging Exchange Act and state law violations: *Burket et al. v. Hyman Lippitt, P.C. et al.*, Case No. 05-72110; *Adams et al. v. Hyman Lippitt, P.C. et al.*, Case No. 05-72171; and *Cliff et al. v. Hyman Lippitt P.C., et al.*, Case No. 05-72221.¹ Presently before this Court is the Hyman Lippitt Defendants'² 28 U.S.C. § 636(b)(1) "Objections To And Appeal From" Magistrate Judge

¹On August 16, 2006, this Court issued an Order consolidating these cases for discovery purposes. Although the motions addressed in this Opinion and Order were filed before the consolidation order, they are identical in substance and were filed separately in each lawsuit.

²"Hyman Lippitt Defendants" includes Defendant Hyman Lippitt, P.C. and individual Defendants Norman Lippitt, Douglas Hyman, Brian O'Keefe, John Sellers, and John Does #1-20. (Dfts.' Mot. at 1). In this Opinion and Order, when the Court refers to Defendants it means the "Hyman Lippitt Defendants" collectively.

Majzoub's August 9, 2006 Order, which was filed on August 23, 2006. Plaintiffs in the three separate lawsuits have not responded and the time for response has expired. *See* E.D. Mich. L.R. 7.1(d)(2)(B).

On January 23, 2007, this Court issued an Opinion and Order denying in part Defendants' Objections to an Appeal from Magistrate Judge Majzoub's August 9, 2006 Order. In the January 23, 2007 Opinion and Order, the Court left unresolved Defendant's second basis for objection and appeal, in which Defendants contend that Magistrate Judge Majzoub failed to provide Defendants with a judicial determination on the use of "confidences" and "secrets"³ obtained during the representation of former, non-party clients. A hearing on Defendants' second basis for objection and appeal was held on January 26, 2007.

For the reasons set forth at the hearing,

IT IS ORDERED that Defendants' second basis for Objection to an Appeal from Magistrate Judge Majzoub's August 9, 2006 Order is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Susan Brown, Jay Schwartz, James Eggenberger, Andrew Wilson
Steven Susser, Rodger Young
T.S. Givens
Jack Mazzara
Thomas Blaske

³"Confidences" and "secrets" are defined by Rule 1.6 of the Michigan Rules of Professional Conduct.

Neil Vonfeldt
Michael Baratta
Magistrate Judge Mona Majzoub